

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, December 17, 2012

Those Present: Mr. James E. McClellan, Chairman
Mr. Richard E. Zimmerman, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Anita's Liquors** – Ms. Vahle discussed the disposition of the criminal charges with the Board. She stated that the Judge fined the defendant \$2,000 and suspended \$1,500 with unsupervised probation until next August.
2. **Samples of Alcohol** – Ms. Vahle received a written explanation from the Comptroller's Office regarding the samples of alcohol. The Comptroller's Office did agree that a sample or a taste of limited quantity does not rise to the level of a free drink, but they did not clarify what is considered a limited quantity. Ms. Vahle will ask the Comptroller's Office to clarify their answer.
3. **Isabella's/Club Renna** – Ms. Vahle received a request for a change of operation for late night business and to be allowed to close between 1 AM and 2 AM when necessary. The Board did not approve this request. They will need to give us specific hours.
4. **Milo's** – The licensee lost his original Certification of Naturalization and the Board allowed him to apply for a new one. There was a problem in the mailing of the new application and they never received it. The licensee has reapplied for his Certificate and it will take several months to receive it.
5. **Weinberg Center** – Ms. Vahle received a request to serve beer and wine inside the theatre for a New Year's Eve party. The Board approved this request.

6. **JD's Family Restaurant** – Ms. Vahle received a request from this establishment to install two pool tables, to have live music and a DJ on Friday and Saturday nights, and to have a under 21 night beginning in mid January on Tuesdays and no alcohol will be served the whole day and they will be allowed to open at 5. The Board approved this request. The Inspector will have to approve the area for the pool tables. During the under 21 night, the alcohol will have to be locked up or blocked off for no access.
7. **Bodega/Cellar Door** – Ms. Vahle received a request for an open bar for their New Years Eve party from 9PM to 1:30AM. The Board approved 3 hours for the open bar.
8. **AMVETS Post #2** – Ms. Vahle received a request for open bar for their member's Christmas Party from 2PM-4PM. The Board approved this request.
9. **Brewer's Association of Maryland** – Ms. Vahle received a request for an event on Carroll Creek which will be open to the public with no barriers. They would like to allow people to enjoy samples from 11AM-6PM and will be wrist banded and will pay a fee. Ms. Vahle stated they may have to get legislation to do this. She will follow up with this request and get more information.
10. Decision Required: Transfer

TRANSFER FROM:

RE: James P. Lamers, Clayton Bennett
and Michael Catron II
for the use of Cluster Spires
Brewery Group
t/a Barley and Hops Grill &
Microbrewery
5473 Urbana Pike
Frederick, MD 21703
Class B, On Sale, Beer, Wine & Liquor
Microbrewery

TRANSFER TO:

RE: James P. Lamers, Clayton Bennett
and Kerri Ann Ingham
for the use of Cluster Spires
Brewery Group
t/a Barley and Hops Grill &
Microbrewery

5473 Urbana Pike
Frederick, MD 21703
Class B, On Sale, Beer, Wine & Liquor
Microbrewery

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending item is: the Retail Sales Taxes. Mr. Brooks stated the clearance for the Retail Sales Taxes would be faxed to the Liquor Board. Inspector DeLauter stated they are compliant.

MOTION: Mr. Zimmerman made a motion for a conditional approval until January 28, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. Decision Required: Transfer

TRANSFER FROM: RE: Daniel B. Loftis and Eric P. Wildman for the use of Carrabba's Italian Grill LLC t/a Carrabba's Italian Grill 1315 W. Patrick St. Frederick, MD 21702
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO: RE: Curtis Johnson and Dan Loftis for the use of Carrabba's Italian Grill LLC t/a Carrabba's Italian Grill 1315 W. Patrick St. Frederick, MD 21702
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle

swore in the applicants (See attached Sign In Sheet). The pending item is: the Fire Marshal approval. Applicant stated that the Fire Marshal did inspect and approve the licensed premises, however the Fire Marshal must still clear them in our system. Inspector Rauschenberg stated they are compliant.

MOTION: Mrs. Hays made a motion for a conditional approval until January 28, 2013.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Zimmerman - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

12. Decision Required: New

RE: Michele Cipriani for the use of
MITVAA LLC
t/a Country Liquors
209 Jefferson Pike
Knoxville, MD 21758
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Occupancy Permit, Fire Marshal and the Liquor Inspector's Report. The owner stated the Occupancy Permit has been applied for and the Fire Marshal inspection has been done.

MOTION: Mrs. Zimmerman made a motion for a conditional approval until January 28, 2013.

SECOND: Mr. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

13. Decision Required: Violation

RE: Sapphire Neang and James
Follin for the use of
H & N Eternity, LLC
t/a Anita's Liquor
1408 South Main Street
Mount Airy, MD 21771
Class A, Off Sale Beer, Wine and Liquor
License Number: #11AL 1039
FCLB Case Number: 6021

The Board held a violation hearing for a charge of purchasing alcohol from other than a duly licensed manufacturer, storing alcohol purchased from other than a duly licensed manufacturer and failing to keep records on file for the alcohol purchased. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). Mr. James Follin was previously excused by the Board. The licensee pled Guilty to all three charges. For the prior violation history Ms. Vahle stated that the license was issued January 19, 2011 and there is no previous violation history. Ms. Linda Carter, Attorney stated that the licensee was unaware that the uninvoiced inventory alcohol had been purchased. The licensee now oversees all alcohol purchased.

MOTION ONE: Mr. Zimmerman made a motion for a \$1,500 fine.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

14. Decision Required: Violation

RE: Francesco Illiano and
Katherine Scheel
for the use of Frederick
Greene Turtle, LLC
t/a Greene Turtle
50 Citizens Way #101
Frederick, MD 21701
Class B, On Sale Beer, Wine and Liquor
License Number: 11BL 1899
FCLB Case Number: 5978

The Board held a violation hearing for a charge of furnishing alcohol to intoxicated person. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Not Guilty. Mr. Michael Ritchie, Attorney, stated the patron became visibly intoxicated while she was in the establishment and was asked to leave, so the employee did the correct thing. The Frederick City Police Officer that was subpoenaed did not appear to give testimony.

MOTION ONE: Mr. Zimmerman made a motion for Not Guilty.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays – Aye
Mr. McClellan – Aye

The vote was unanimous. ***Aye – 3 Nay – 0***
(Motion Passed)

15. Decision Required: Violation

RE: Shannon Essel and Sue
Thomas for the use of
Griff's Landing, Inc.
t/a Griff's Landing
43 South Market Street

Frederick, MD 21701
Class B, On Sale Beer, Wine and Liquor
License Number: 11BL 1135
FCLB Case Number: 6072

The Board held a violation hearing for a charge of consuming alcohol while on duty, furnishing alcohol to intoxicated person and allowing the consumption of alcohol outside of the establishment. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Not Guilty to all three charges. Ms. Falen LaPonzina, Attorney stated that Ms. Essel is now taking personal responsibility so that this situation does not occur again.

MOTION ONE: Mr. Zimmerman made a motion of Guilty for the first charge.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION ONE: Mr. Zimmerman made a motion of Not Guilty for the second charge.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION ONE: Mr. Zimmerman made a motion of Guilty for the third charge.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mrs. Hays - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION ONE: Mrs. Hays made a motion for the two Guilty findings for a fine of \$500 suspended for 90 days.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Zimmerman - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

RECESS: The Board recessed for 5 minutes.

16. Decision Required: Violation

RE: David Martz, Hubert L.
Winpigler and Richard Winpigler
for the use of Jeffersonian
Patriotic Club t/a Jeffersonian
Patriotic Club
300 E. Fourth Street
Frederick, Maryland 21701
Class C, On Sale, Beer, Wine & Liquor
License Number 11CL 1154
FCLB Case Number: 6014

The Board held a violation hearing for a charge of furnishing alcohol to intoxicated person. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Not Guilty. The licensee stated that the patron was not served after he was cut off. For the prior violation history Ms. Vahle stated that the license was issued October 1, 1955, there was a Gambling Violation on May 3, 1973 with a 3 day suspension, August 21, 2000 Consumption while On Duty violation with a fine of \$100, May 21, 2003 Failed to Pick Up the Renewal violation and paid a \$25 fine; May 12, 2006 Failed to Pick Up Renewal violation and paid a \$50 fine, May 23, 2006 Change of Officer Without Notifying the Board and they were given a written warning. Mrs. Hays found the establishment Guilty.

MOTION ONE: Mrs. Hays made a motion for fine of \$200.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. McClellan - Aye
Mr. Zimmerman – Nay

The vote was: **Aye – 2 Nay – 1**
(Motion Passed)

17. **Minutes for December 10, 2012** – Ms. Vahle explained to the Board that there were no Minutes prepared due to processing applications for the licenses for the new Census.

ADJOURN

The meeting was adjourned at 11:39 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees